

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
November 9, 2006

_____ ACTION/DECISION

 X INFORMATION

- I. **TITLE:** Administrative and Consent Orders issued by Environmental Quality Control ("EQC").
- II. **SUBJECT:** Administrative and Consent Orders issued during the period September 1 – September 30, 2006.
- III. **FACTS:** For the period September 1, 2006 through September 30, 2006 EQC issued forty-three (43) Consent Orders with total assessed civil penalties in the amount of \$255,490.00.

Unless otherwise specified, "Previous Orders" as listed in this report include orders issued by Environmental Quality Control programs within the last five (5) years.

<u>Bureau</u>	<u>Administrative Orders</u>	<u>Assessed Penalties</u>	<u>Consent Orders</u>	<u>Assessed Penalties</u>
Land & Waste Management				
Hazardous Waste	0	\$ 0	0	\$ 0
Solid Waste	0	0	4	9,800.00
UST Program	0	0	4	2,500.00
SUBTOTAL	0	0	8	\$ 12,300.00
Water				
Drinking Water	0	\$ 0	5	\$ 17,260.00
Water Pollution	0	\$ 0	13	71,380.00
SUBTOTAL	0	\$ 0	18	\$ 88,640.00
Air Quality				
SUBTOTAL	0	\$ 0	17	\$ 154,550.00
TOTAL	0	\$ 0	43	\$ 255,490.00

ANALYSIS: During the reporting period, Solid Waste Enforcement entered into a Consent Order with Tri-County Investments, LLC (Respondent), operator of the Boykin Ridge Mine in Dorchester County, for violations of the South Carolina Solid Waste Policy and Management Act and the South Carolina Mining Act. The violations include placing land-clearing debris in a backfill slope in an area of active mining and placing overburden and backfill material in an SCE&G right of way. The Respondent must remove all backfill material and overburden from the SCE&G right of way and properly dispose of the land-clearing debris in the backfill slope. A civil penalty in the amount of three thousand eight hundred dollars (\$3,800.00) was

assessed. Of the \$3,800.00, two thousand eight hundred dollars (\$2,800.00) is for violations of the S.C. Solid Waste Policy and Management Act and one thousand dollars (\$1,000.00) is for violations of the S.C. Mining Act. The Respondent has completed all required work and the civil penalty has been paid.

Water Pollution Enforcement entered into a Consent Order of Dismissal with Respondent, Win Joseph LLC for violations of the Pollution Control Act, Water Pollution Control Permit Regulations and Water Classifications and Standards. The Respondent discharged deleterious material into the environment including waters of the State and initiated land-disturbing activities without the proper permit. A civil penalty in the amount of twelve thousand five hundred dollars (\$12,500.00) was assessed, which has been paid. This Order was issued after a settlement with the Respondent from a previous Administrative Order.

Bureau of Air Quality Enforcement entered into a Consent Order with Respondent, Devro, Inc. for violations of the South Carolina Air Pollution Control Regulations. The Respondent produces edible collagen casings used in the food industry. Violations of the regulations include discharging from the boiler smoke, which exhibited an opacity in excess of 20%. The Respondent has had an excessive amount of noncompliance since April 2005, but has made extensive efforts to reduce the time of noncompliance and has demonstrated a steady decrease. The Respondent has agreed to operate and maintain the boiler so that it does not produce smoke in excess of 20% opacity, except during times of startup, shutdown, and soot blowing. A civil penalty in the amount of eight thousand dollars (\$8,000.00) was assessed and was paid on September 25, 2006.

Bureau of Air Quality Enforcement also entered into a Consent Order with Respondent, Appalachian Engineered Floors, Inc., a manufacturer of hardwood flooring from raw lumber. The Respondent has violated the U.S. EPA and the South Carolina Air Pollution Control Regulations for exceeding the State particulate matter (PM) emissions limit, failed to obtain a construction permit, failed to submit a written request for an operating permit prior to installing and operating wood-flooring operations, and failed to complete a prevention of significant deterioration (PSD) review or obtain a permit containing federally enforceable limits. A control device to comply with the State PM emissions limit has been installed. The Respondent has agreed to obtain all necessary permits prior to installing and operating any source of air contaminant. A civil penalty in the amount of sixty thousand dollars (\$60,000.00) was assessed.

Of the forty-three (43) Consent Orders issued by EQC enforcement programs during the reporting period, (42) have either complied with the Order requirements or are currently in compliance with schedules required in those Orders.

Submitted by:

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Environmental Quality Control